

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

Plaintiff,

vs.

PETE RICKETTS, et al.,

Defendants.

8:19CV416

**MEMORANDUM
AND ORDER**

Judgment was entered on July 10, 2020, dismissing this case without prejudice for lack of prosecution and failure to comply with this court's orders. The matter is now before the court on Plaintiff's motion for leave to proceed in forma pauperis (Filing 65) and motion to change venue (Filing 66), both of which were received and filed on November 25, 2020.

In Filing 65, Plaintiff requests that the case be reinstated, with all filing fees and administrative fees waived, and transferred to "the appropriate jurisdiction." He also requests that he receive copies of all filings in the case since May 2020.

Liberally construing Filing 65 as a motion for relief from judgment, filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, it will be denied. Rule 60(b) authorizes a court to relieve a party from a final judgment for "mistake, inadvertence, surprise, or excusable neglect," Fed. R. Civ. P. 60(b)(1), but Plaintiff has not shown the existence of any of these grounds for relief. He merely states that "Plaintiff never received any mailings from this court after 07 May 2020." (Filing 65 at 1.) However, the only reason Plaintiff did not receive mailings from the court is that he failed to update his address.¹ Plaintiff had an obligation to keep the court informed of his address at all times. *See* NEGenR 1.3(e), (g).

¹ Plaintiff did file a notice of change of address on July 9, 2020 (Filing 58), but the court had already re-mailed its May 29, 2020 Memorandum and Order to that address (*i.e.*, the People's City Mission) on June 10, 2020, and, more importantly, the July 10, 2020 Judgment was also mailed to that address, one day after receipt of Plaintiff's notice of change of address. *See* Filings 55, 56, 59, 60. Both mailings were returned as undeliverable. *See* Filing 61.

Plaintiff's renewed request for copies of filings is also denied. As the court already informed Plaintiff in its November 11, 2020 Memorandum and Order (Filing 64), the statutory right to proceed in forma pauperis does not include the right to receive copies of documents without payment. *See* 28 U.S.C. § 1915.

Finally, because this case will not be reinstated to the court's active docket, Plaintiff's motion to change venue will be denied, as moot. For his possible future reference, however, Plaintiff is advised that "Nebraska constitutes one judicial district." 28 U.S.C. § 107.

IT IS THEREFORE ORDERED:

1. Plaintiff's motion for leave to proceed in forma pauperis (Filing 65) is denied in all respects.
2. Plaintiff's motion to change venue (Filing 66), is denied, as moot.

Dated this 30th day of November, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge